

NAVIGATING RENTAL HOUSING WITH A CRIMINAL BACKGROUND



Over 30% of Americans have a criminal background, which can limit housing opportunities.

WHAT DOES FAIR HOUSING HAVE TO DO WITH CRIMINAL RECORDS?

HUD released guidance in [2016](#) and [2023](#) on how the Fair Housing Act applies to criminal backgrounds and screenings for rental housing.

Housing providers are permitted to use background screenings, but must examine criminal records in a way that is fair, equally applied to all prospective tenants, and necessary to ensure the safety of their property and tenants.

Housing providers that use criminal background screenings unfairly, risk violating fair housing law because of potential disparate impact on communities of color.

DISCRIMINATORY PRACTICES INCLUDE:

- Only doing criminal background screenings for people of certain races.
- Discouraging people of certain races from applying, citing a criminal background policy.
- Using a 'blanket ban,' excluding everyone with a criminal record from housing.
- Using arrest records to exclude a potential tenant from housing.
- Refusing to make a reasonable accommodation, or change in screening policy for a prospective tenant with a disability, whose record is related to their disability.

ABOUT PHRC

The Pennsylvania Human Relations Commission is the leading civil rights enforcement agency in Pennsylvania, enforcing laws that prevent discriminatory practices in:

- Housing
- Employment
- Public Accommodations
- Education
- Commercial Property

Pennsylvania law establishes protected classes, or groups of people that have protections against discrimination:

- Race
- Color
- Religious Creed
- National Origin
- Ancestry
- Sex
- Age (40+)
- Familial Status
- Disability
- Use, Handling, or Training of a Guide or Support Animal for Disability

IF YOU ARE DENIED, YOU CAN:

- Ask why your application was denied.
- Contact the screening company to ensure that the information provided in the report is accurate.
- Ask for an appeal with the housing provider, providing additional information about what is on your record.

Learn more about the PHRC at www.phrc.pa.gov

If you believe you have experienced housing discrimination, you have the right to file a complaint, call 717-787-4410 (717-787-7279 TTY) or contact the regional office nearest you:

Harrisburg
333 Market Street, 8th Floor
Harrisburg, PA 17101
717-787-9780 | 717-787-7279 (TTY)

Philadelphia
110 N. 8th Street, Suite 501
Philadelphia, Pa 19107
215-560-2496 | 215-560-3599 (TTY)

Pittsburgh
301 5th Avenue, Suite 390, Piatt Place
Pittsburgh, PA 15222
412-545-5395 | 412-565-5711 (TTY)

Discrimination complaint forms are available in [English](#) and [Spanish](#) at www.phrc.pa.gov.